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C O N F I D E N T I A L SECTION 01 OF 02 BEIJING 003443

SIPDIS

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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [CH](#) [CB](#)

SUBJECT: CHARGE'S DEMARCHE ON LIU XIAOBO TRIAL, UIGHUR  
RETURNEES

REF: A. 12/23/09 KLEIN-GOLDBERG EMAIL

[1](#)B. PHNOM PENH 954

Classified By: Charge d'Affaires a.i. Robert Goldberg. Reasons 1.4 (b)  
and (d).

[1](#)1. (C) Summary: The Charge raised the December 23 trial of activist Liu Xiaobo and the forced return of Uighur asylum seekers from Cambodia with MFA North American and Oceanian Affairs Department Director General Zheng Zeguang. The Charge expressed strong disappointment that Liu's trial had already taken place and been concluded, and that the Embassy had not been allowed to observe it. He called for Liu's release. Regarding the 20 Uighur returnees, the Charge expressed deep regret about their return and urged China to uphold international standards and observe due process in considering their cases. DG Zheng said all cases would be dealt with under Chinese law and expressed "serious concern and strong dissatisfaction" at the remarks by the State Department Spokesman on the Uighur case. End Summary.

[1](#)2. (C) Charge delivered points (ref A) regarding democracy activist Liu Xiaobo in a telephone conversation with MFA North American and Oceanian Affairs Department Director General Zheng Zeguang on December 23. Noting the Department's previous public statements about Liu, the Charge expressed strong disappointment that the trial had taken place, and noted that Liu had peacefully urged respect for human rights and the rule of law. The Charge reiterated USG statements that legal proceedings be held in a fair and transparent manner. The Embassy had requested an opportunity to observe the trial, as was allowed under Chinese law, but had been turned down. (The Charge had tried to reach VFM He Yafei the day before to request a pass for an Emboff to attend the trial, but He did not take the call.) Similarly, the Charge noted the request by former Pennsylvania governor and U.S. Attorney General Richard Thornburgh to attend the trial, for which the Embassy had previously sought the MFA's support, but which also appeared not to have been granted. The Charge several times called for Liu's release.

[1](#)3. (C) Turning to the situation of the 20 Uighur asylum seekers returned to China from Cambodia (ref. B), the Charge again referred to the Department's public statements expressing concern about the individuals. The Uighurs had presented themselves as asylum seekers, the Charge noted, and as such they had had the right to be afforded protection in Cambodia until their cases had been considered. Now that they had been returned to China, the United States urged China to uphold international norms of proper treatment and due process in considering their cases.

[1](#)4. (C) In reply, DG Zheng stated that China was a country that followed rule of law. All citizens must follow the law and were equal under the law, but if they broke the law, they must be tried. Regarding Liu Xiaobo, Zheng insisted his case

had been dealt with in accordance with Chinese law. China's judicial authorities act independent of interference from other government departments, "let alone other countries" Zheng emphasized. He acknowledged that Chinese trials were open to observers and said that the U.S. Embassy was welcome to apply at the court to attend the trial. (Of course, this particular trial was already over, with just the verdict to be read on Christmas Day.) China had a big population, however, and the courtroom might not have had enough room for all those who applied as observers.

15. (C) Regarding the returned Uighurs, Zheng declared that "the Government of Cambodia has done the right thing." The Uighurs in question had broken Chinese and Cambodian immigration laws and they now would be dealt with in accordance with Chinese law. Zheng continued by expressing "serious concern and strong dissatisfaction" at the remarks on the Uighur case by the State Department Spokesman. The United States "has chosen to stand of the wrong side of history" in this issue. The sentiments of the Chinese people regarding Xinjiang were very sensitive, and they were already upset with the U.S. refusal to return Uighur detainees in Guantanamo to China. The United States should "maintain a positive effort" in our bilateral relations and focus instead on implementing the issues addressed in the China-U.S. Joint Communiqué.

16. (C) The Charge replied that while both sides wanted to maintain constructive, cooperative, and comprehensive relations, as expressed in the Joint Communiqué, President Obama had raised human rights with President Hu as an issue fundamental to Americans, and the President had also provided

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Hu a list of human rights cases raised previously by the Ambassador. Further, the Charge pointed out, allowing Embassy observers at trials would provide the Embassy with a better understanding of how trials progress, rather than having to rely on second-hand accounts. If a courtroom was too small to hold U.S. or other international observers who had applied well in advance, or even to permit Liu Xioabo's wife, Liu Xia, to attend, perhaps a larger space was needed. DG Zheng retorted that Liu Xia was "not just another citizen," but that she was also "closely related to the case." (Note: the Chinese kept Liu Xia out of court claiming that she was a "witness" but they never called her to testify. End note.)  
GOLDBERG